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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,599	12/23/2003	John Thomas Stites	005127.00245	1598

22908 7590 06/08/2006

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/707,599

Applicant(s)

STITES ET AL.

Examiner

Stephen L. Blau

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Period for Reply
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-7, 9-20, 35-39, 41-48, 52 and 53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 9-14, 20, 35-37, 41, 42, 52 and 53 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 15-19, 38, 39 and 43-48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The request filed on 27 December 2005 for a Request for Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/707,599 is acceptable and a RCE has been established. An action on the RCE follows.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed 27 December 2005 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because two of the Non Patent Literature Documents (Ben Hogan Apex and Nicklaus CGX publications) do not have dates which is required information on an IDS. The examiner is uncertain whether this documents are prior art or not. It has been placed in the application file, but the information referred to in the Ben Hogan Apex and Nicklaus CGX publications have not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

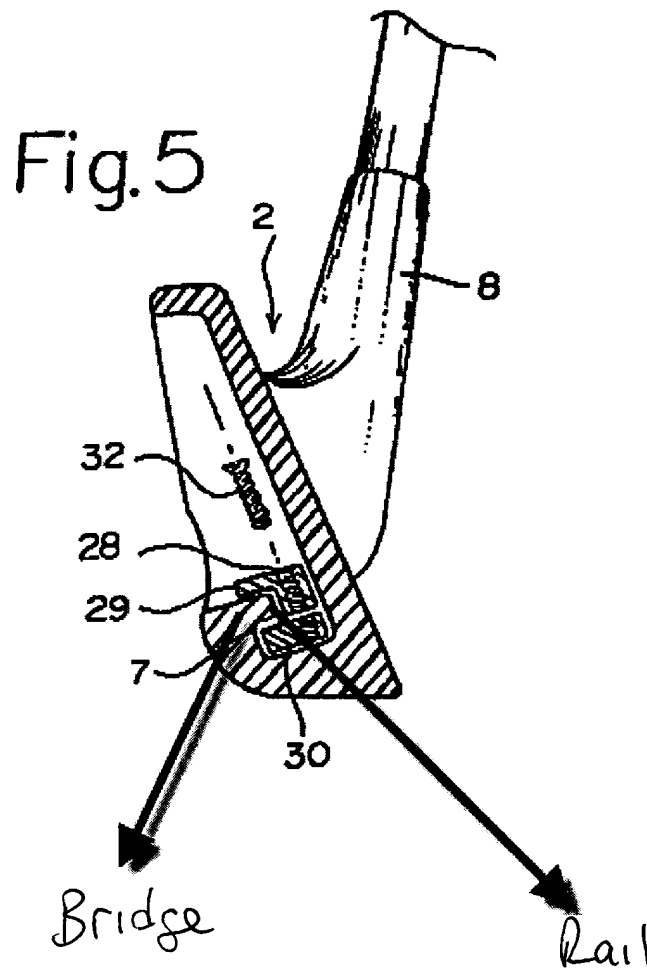
Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 3-5, 9-14, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ahn.

Ahn discloses a bridge member extending across a rear cavity in the form of the part of the head which the weight assembly (Ref. Nos. 28-31) is attached to (Fig. 5), a weight (Ref. Nos. 28-31) able to vary a position of a center of gravity being movable to different locations on a bridge member (Figs. 4-5), a weight member interchangeable with one of a plurality of alternate weights, alternates weights having different shape or mass than the weight (Col. 5, Lns. 57-60), different locations of the bridge member being fixed in the form that the weight can always be moved to that different location (Fig. 4), a weight chip (Fig. 6, Ref. Nos. 29 or 30), a set screw (32) attaching a weight chip to a bridge (Fig. 5), a rail formed in a bridge member, a weight shaped to engage and slide along the rail (Fig. 5), and a bridge member connects a heel and a toe (Fig. 4).



Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 35-37, 41-42, and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn in view of the Examiner's Official Notice.

Ahn discloses an iron head having a shaft (Figs. 4-6, Col. 5, Lns. 42-60).

Ahn lacks a set of iron golf clubs comprising a plurality of increasing numbered golf clubs including a 2-9 iron, a pitching wedge having each a shaft and a head. The examiner takes Official Notice that it is well known in the art to have a set of iron golf clubs comprising a plurality of increasing numbered golf clubs including a 2-9 iron, a pitching wedge having each a shaft and a head in order to have different irons with different ranges for distances for the same swing. In view of the Examiner's Official Notice it would have been obvious to modify the iron head and shaft of Ahn to have a set of iron golf clubs comprising a plurality of increasing numbered golf clubs including a 2-9 iron, a pitching wedge having each a shaft and a head in order to have different irons with different ranges for distances for the same swing to utilize when playing a round of golf and in order to allow a set of irons to enjoy the advantages of the head design of Ahn.

Allowable Subject Matter

7. Claims 6-7, 15-19, 38-39, 43-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all

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of the limitations of the base claim and any intervening claims. With respect to claims 6-7, 15-19, and 38-39, none of the prior art discloses or renders as obvious a weight comprising an elliptical shape in addition to the other elements of structure claimed. With respect to claims 43-48, none of the prior art discloses or renders as obvious a rail extending from the front surface of the bridge member through to the back surface of the bridge member in addition to the other elements of structure claimed.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Blau whose telephone number is (571) 272-4406. The examiner can normally be reached on Mon - Fri 10:00 AM - 6:30 PM.

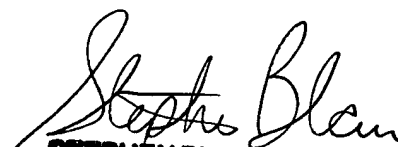
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Slb/31 May 2006


STEPHEN BLAU
PRIMARY EXAMINER